

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ERIC STEPHEN FREEZE,

Plaintiff,

ELIZABETH E. GALLAGHER, JOSE T.
ACUNA, ANN G. FREEZE REVOCABLE
TRUST, RONALD L. FREEZE
REVOCABLE TRUST, JAMES
MASSINGALE and ANGELA
MASSINGALE

Defendants.

Case No. 2:23-cv-01135-JLR

DECLARATION OF PAUL W. TAYLOR
IN RESPONSE TO COURT'S ORDER TO
SHOW CAUSE
RE: FRCP 26f CONFERENCE

I, Paul W. Taylor, declares under penalty of perjury under the laws of the State of

Washington that the following is true and correct:

That I am a resident of the State of Washington, over the age of 18 years, and not a party to this action; and attorney for all the Defendants in this action, except Jose Acuna.

That I have personal knowledge of the facts set forth in this declaration and am competent to testify as to the matters stated herein.

Plaintiff Eric Freeze has totally misrepresented the arrangements set forth in Plaintiff's Response and Affidavit the Court's Order to Show Cause why a Conference pursuant to

FRCP 26(f) was not accomplished. Addressing his submissions/allegations in order set forth in his response, I respond as follows:

1. I have no knowledge of whether Mr. Acuna has received or not received any pleading or notices sent by the Plaintiff. However, given his track record for the truth in my experience with him, I would request that he provide evidentiary proof of his allegations.
2. I will confirm I requested communication by phone (text) or email. My last phone communication to the Plaintiff was on February 5, 2024 one week before I underwent total left hip replacement surgery. I requested that he delay the status report until I had sufficiently recovered from that surgery. He did not respond to that request. We did agree that we did not the case referred to a Magistrate. With respect to the remainder of the issues required for the status conference, I advised him that I would be moving for dismissal as soon as I had sufficiently recovered from my upcoming surgery. I needed no discovery whatsoever and there was no reason to discuss settlement as his case, like the state court case and previous federal court case had no merit.
3. After February 5, 2024, I have not had any communication with Plaintiff by phone, text, email or written correspondence except documents filed with the Court and reviewed by PACER. To be absolutely clear, Plaintiff did not conduct any type of communication with me or my office. I have reviewed all text messages and voicemail messages from Plaintiff. The last text message was on February 4, 2024, with my text to him that I would call him on February 5th, 2024, as mentioned above.
4. Defendants were never contacted by any means whatsoever as to the dates referenced as meeting suggestions as set forth in the Plaintiff's Affidavit. The exhibits attached to Plaintiff's response are not only no authenticated in any way and are clearly not admissible

under any rule of evidence known to me, by they are fraudulent, false, and fabricated. No arrangements were made with respect to a telephonic conference per the Court's directions. The Plaintiff has all my contact information: office phone number (360-416-6900), cell phone for calls and texts (360-708-2945), and email address (pwtlaw@frontier.com). I have thoroughly checked all three forms of communication and I have not received any communication from the Plaintiff except the Notice To The Clerk (Dkt #55).

5. Every relevant fact in his alleged "Notice to the Clerk " and in paragraph 5 of Plaintiff's Affidavit (Dkt #57) is false. He has no proof unless he fabricates it as mentioned above.

5. To be perfectly clear, the plaintiff, Eric Freeze, has never communicated with me with respect to the Court's Order of May 14, 2024, Regarding Initial Disclosures, Joint Status Report, and Early Settlement.

6. I did receive through PACER his FRCP 26(f) submission. Plaintiff has represented to me on a number of occasion over the past nearly three years that I have been involved in litigation with him that he is not computer literate, doesn't have a computer, and prefers just communicate by phone. He has also represented to me that no one is assisting him with his submittals to the Court. Yet he cites federal cases law and most everything he files with Court is typed and organized. He claims he has no legal training and only graduated from high school based on information and belief. Which begs the question: Who is assisting him in filing the meritless and frivolous cases/ Whomever it is, those persons should be held accountable as well for three cases filed with no evidence to support any allegation of ownership.

For the reasons set forth herein, the Plaintiff's Response should be disregarded and the Case dismissed with prejudice and without leave to amend.

Executed this 10th day of July, 2024.

A handwritten signature in black ink, appearing to read "Paul W. Taylor", is written over a horizontal line.

Paul W. Taylor, WSBA No. 13945

Attorney for All Defendants except Acuna

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